REMARKS

Claims 1-20 were rejected and have been deleted without prejudice or disclaimer in favor of claims 21-40.

Claims 21-30 are directed to an electronic training delivery system and claims 31-40 are directed to a computer-implemented method. Support for these claims can be found in the specification, for example, where it states "[c]omputers have been increasingly employed to address many of the logistical issues linked with coordinating the delivery of learning content and/or instruction" (p. 5, lines 8-9), "computer-delivered instruction systems are available wherein students can receive instruction via a computer over a network" (p. 5, lines 12-13), "preferably implemented in a network of learning platforms that together provide the electronic tools" (p. 9, lines 13-14), or "Such learning solution networks comprise . . . an electronic delivery platform" (p. 9, lines 20-21).

Independent claims 21 and 31 distinguish themselves from the prior art in several ways. First, these claims recite "forecasting demand for each course using the captured user data." None of the references cited disclose this aspect of the present invention. Although U.S. Patent No. 6,409,514 to Bull (henceforth, "Bull") describes assigning a worker to a selected class in response to user input and tracking an available class the worker might take based on the individual worker's training needs (Bull 3:26-30), this does not meet the forecasting feature recited in the claims. The claim recites forecasting demand for each course, whereas Bull mentions only tracking the courses a particular user might choose to attend. It gives no indication that this information is

used or even available to give the forecasted demand for a course, nor does it disclose that it is available for each course. The distinction can easily be seen by way of at least one example. The "available class" disclosed by Bull is only given based on an individual worker's training needs (Bull 3:30-32). In accordance with Bull's disclosure, if there is a course which does not fit into any worker's needs, it will not be listed as an "available class" for anyone and hence, using the Office's language, will not have had its demand forecasted. In contradistinction, the claims recite forecasting demand for each course. It is by way of this example we can see that, to the extent that Bull forecasts at all, it only forecasts the demand of a user and does not forecast the demand for each course.

Second, the claims recite "creating a schedule for each course based on the forecasted demand." This also is not disclosed in any of the cited references. Once more, as described above, to the extent that Bull discloses forecasting, it only describes forecasting demand of a user, and not demand for each course. Further, it does not disclose that the schedule of the course is created based on the forecasted demand as recited in the claims. As a result, independent claims 21 and 31 distinguish themselves from the prior art for at least these reasons.

Claims 23 and 33 also distinguish themselves from the prior art for additional reasons. The cited references make no mention of receiving information from product developers and/or subject matter experts during course development. They also do not disclose prioritizing delivery of courses to the organization. Although Bull does mention assigning a worker to a class in response to selecting a class (Bull 3:26-30), it does not

describe managing the over-utilization or under-utilization of courses, including cancelling, rescheduling, and/or adding courses.

Claims 25 and 35 also distinguish themselves from the prior art for additional reasons. The claims recite "storing student assessments, suggesting facility and/or equipment improvements, and reviewing the quality of instruction," which are not disclosed by the cited references. Although U.S Patent Publication No. US 2003/0050814 A1 to Stoneking et al. (henceforth, "Stoneking") mentions "Quality Control" (Stoneking par. 88), it does not disclose "reviewing the quality of instruction." Stoneking is merely a system for "collection of business performance data and the identification of patterns or rules from such data" (Stoneking Abstract). The reference refers only to collecting data on "the degree of emphasis placed on the importance of quality standards." (Stoneking par. 89). This merely measures the emphasis, if any, an individual business has placed on quality control and nothing more. It makes no mention of delivery of training and does not teach reviewing the quality of instruction.

Claims 27 and 37 also distinguish themselves further from the prior art at least by reciting a tool which assists in creating non-conflicting course sessions or creating non-conflicting course sessions. While U.S. Patent No. 6,658,427 to Kogut-O'Connell el al. (henceforth, "Kogut-O'Connell") describes "electronic calendaring and scheduling functions" (Kogut-O'Connell Abstract), it makes no mention of creating non-conflicting course sessions. This feature recited in the claims also is not disclosed by any reference cited by the Office.

Claims 28 and 38 also distinguish themselves from the prior art for additional reasons. Although the Office has stated that a trainer must be knowledgeable in the

subject matter to be able to teach it (Office Action p. 12), these claims recite certification for knowledge of the subject matter of the course, of presentation skills, and of effective use of delivery mechanisms. Although "Professional Development in Technology: Catalyst for School Reform" by Holland (henceforth, "Holland") describes observations of teachers' skills at different levels, it does not disclose certification for knowledge of the subject matter of the course, of presentation skills, and of effective use of delivery mechanisms as recited in the claims. At least these certifications in these areas distinguish these claims from the prior art because they are not contained or suggested in the cited references.

Claims 29 and 39 also further distinguish themselves from the prior art. Although Stoneking mentions "Outsourcing" (Stoneking par. 90) and "Quality Control" (Stoneking par. 88), it does not disclose the features recited in these claims. Stoneking is merely a system for "collection of business performance data and the identification of patterns or rules from such data" (Stoneking Abstract). The reference does not disclose "outsourcing training to an independent business entity that is acting according to a service level agreement" as recited in the claims. Instead it refers only to collecting data on "a company's ability to identify and exploit opportunities to enhance performance by outsourcing business activities." (par. 91). It makes no mention though of actually outsourcing anything, let alone training. Stoneking also does not disclose managing training internally or implementation by "one of the units of the organization which meets performance metrics, allocates costs of the training, and bills other units for the training" as the claims recite. While the reference does discuss "the degree of emphasis placed on the importance of quality standards" (Par. 89), this merely measures the emphasis,

if any, an individual business has placed on quality control and nothing more. It makes no mention of one of the units of the organization meeting performance metrics, let alone allocating costs of the training or billing other units for the training.

Claims 30 and 40 also distinguish themselves further from the prior art by reciting the user data stored in order to forecast demand. While PCT Publication No. WO 98/03953 to Simmons (henceforth, "Simmons") describes training materials having course content and having a media type (p. 7, lines 2-5, claim 4, and Figs. 1a and 2), it makes no mention of storing this data in order to forecast demand. U.S. Patent No. 6,157,808 to Hollingsworth (henceforth, "Hollingsworth") similarly makes mention of facilities, but it does not disclose storing this data in order to forecast demand as recited in the claims. Mere mention of the type of data without any recitation of it being stored in order to forecast demand is not sufficient to support a rejection of these claims which distinguish themselves from the prior art in at least this way.

These and all other claims depend either directly or indirectly from claims 21 and 31 which distinguish themselves from the prior art. Applicants thus respectfully submit that all claims are not anticipated or obvious for at least the reasons described above and are allowable for the failure of the art to disclose, teach, suggest, or otherwise render obvious the recited combination of steps and features. Favorable reconsideration of the application is requested, including issuance of a timely Notice of Allowance.

If there are any fees due in connection with the filing of this Response and Amendment which are not covered by the concurrently submitted transmittal document, please charge any necessary fees to Deposit Account No. 06-0916.

Respectfully submitted,

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